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ABSTRACT

Today's computer technology is particularly beneficial for a class that is learning issues of government. Government document sources are well organized on the world wide web. Analyzing the Bill of Rights and how the Supreme Court has interpreted challenges is an exercise that incorporates citizenship education, offers insight into judicial decision making, and utilizes primary sources. For example, using the web site, "Supreme Court Cases by Topic," students can use keywords such as "cruel and unusual," "search and seizure," "free press," or "free speech" to find a list of cases in the database that deal with those topics. Versions of Supreme Court cases can be accessed quickly. In a few pages, the facts of the case are outlined, the decision is explained, and the majority opinion is given. The Court considers the Constitution, the intent of the framers, precedent, and in the case of the Amendment, the evolving standards of justice. After discussing the students' views of the case in question, they can examine the case to see what the Court decided and on what constitutional basis the justices made their decision. After the students have been introduced to the judicial side of the issue, the class can review the legislative side and use the background they gained from studying cases to assess pending legislation. When they have completed their evaluations of legislation under consideration, they can write to their representatives to express their views and urge their congressmen to vote appropriately. Web site addresses are provided. Contains 3 notes. (BT)

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Technology, Teaching, and Citizenship Education.

by Judith McDonough

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Technology, Teaching and Citizenship Education

In today's world, technology is an integral part of the classroom curriculum. As schools introduce computers and hook up to the internet, increasing numbers of students have access to a multitude of materials and primary sources. Teachers and students alike benefit from the easily accessible resources. Computer technology is particularly beneficial when dealing with issues of government because government documents are well organized on the web. The resources expand the options available to teachers and contribute to a more hands on approach to teaching.

Analyzing The Bill of Rights and how the Supreme Court has interpreted challenges is a exercise that incorporates citizenship education, offers insight into judicial decision making and utilizes primary sources. The following web addresses are particularly useful when dealing with the Judicial Branch:

http://lcweb.loc.gov/global/judiciary.html - The Judicial Branch

http://supct.law.cornell.edu/supct/cases/historic.htm - Selected Historical Decisions

http://law.house.gov/1.htm - Internet Law Library

http://supct.law.cornell.edu/supct/cases/topic.htm - Supreme Court Cases by Topic

http://www.uscourts.gov - Federal Courts' Home Page

Using the web site, Supreme Court Cases by Topic, you could search cruel and unusual, search and seizure, free press or free speech. You would get a list of cases that dealt with that topic. You can quickly access the full or edited versions of Supreme Court Cases. The edited versions are great for working in class. In a few pages, the facts of the case are outlined, the decision is explained and the majority opinion is given. Prior to Internet access, finding cases to illustrate issues was a formidable task. Most of us would shrink

from the prospect, but now, research is quick and easy. You simply type in an amendment or issue to access a list of pertinent cases.

Looking at individual cases engages students in legitimate content and offers opportunities to reach the higher levels of critical thinking. Teachers can describe scenarios based on real cases and have the students look up how the court decided the particular question. The procedure can be used with any of the Amendments.

The following activities exemplify this approach. If you are studying the Eighth Amendment, remind the students that the Supreme Court decides issues of law not the facts of the case. The Court considers the Constitution, the intent of the framers, precedent and in the case of the Eighth amendment, the evolving standards of justice. The Court will give emphasis to what today's society considers cruel and unusual because such things as flogging and branding were socially acceptable in the eighteenth century of the framers.

Describe the Florida case where three men were sentenced to death for a murder committed during a robbery. Two were present and participated in the murder, but the third was the driver of the getaway car. Florida had a law that allowed aiders and abettors in crimes to receive the same punishment as the major perpetrators. The driver of the car claimed the sentence constituted cruel and unusual punishment and violated his constitutional right. After discussing their views, have the students look up the case to see what the Court decided and on what constitutional basis the Justices made their decision. They will discover that the Court found the imposition of the death penalty inconsistent with the Eighth Amendment stating, "It is impermissible for the State to treat the individuals alike and attribute the same culpability to those who killed the victims."[1]

Discuss the Oklahoma case where 15-year-old William Thompson murdered his brother-in-law, who had been abusing his sister. Because of the nature of the crime and Thompson's past volatile behavior, Oklahoma allowed Thompson to be tried as an adult. He was convicted of first-degree murder and sentenced to death." His attorney claimed it was a violation of the cruel and unusual punishment prohibition of the Eighth Amendment to sentence a 15-year-old to death. After locating the case, the students will find that the majority opinion held the verdict did violate the cruel and unusual prohibition of the Eighth Amendment. The justices felt that jury determinations indicated that society would find executing people under sixteen unacceptable.

This approach is quite effective because giving questions piques their interest, and they are anxious to learn what the Court decided. Reading the summaries of the cases and the majority opinions, the students discover the constitutional issues involved and learn how the justices arrive at their conclusions. If there are dissenting opinions, they have the opportunity to compare differing viewpoints on constitutional points.

Having introduced the students to the judicial side of the issue, you can then move to the legislative side and have students use the background they gained from studying cases to assess pending legislation. With the increase of violent crime committed by increasingly younger people, teens became the perpetrators and the victims. Since the subject is topical, the students are naturally interested. As society tries to grapple with the problem, more emphasis is placed on accountability. This is evidenced by the move to try minors as adults, to hold accomplices as responsible as primary offenders and to enact mandatory sentencing for repeat offenders. The following activities allow students the opportunity to form their opinions and act on those ideas.

Have students get summaries of pending crime legislation. This information is available on the Legislative Branch's web page, http://thomas.loc.gov. Go to thomas and select major legislation by topic, 105th Congress. Choose criminal justice to get a list of legislation and the present status. The students can analyze the proposed statutes and decide whether they think they are within the purview of legitimate government activity or whether they violate the prohibition against cruel and unusual punishment. Mention possible ramifications of legislation. Cite the 1980 case in Texas where an individual received a sentence of life imprisonment without parole under a recidivist statute though his three crimes involved non-violent forgery that netted him $229. The Supreme Court upheld that conviction.[iii]

When students have completed their evaluations of legislation under consideration, have them write their representatives, express their views and urge their congressmen to vote appropriately. They could also make modifications to existing legislation or make proposals of their own. If students get involved and work to influence legislation, they are practicing democracy. Putting their knowledge to work to influence their society is an example of authentic assessment.

Computer technology helps develop an awareness of the democratic process by giving the students the opportunity to work with a variety of materials, primary sources and up-to-date data in a meaningful way. Government sources greatly enhance our ability to stimulate active learning and to encourage citizenship education. Having our students use technology also prepares them for the twenty-first century. The Internet is an excellent resource to enrich curriculum and instructional objectives.

Notes

[i] Edmunds v. Florida, 458 U.S. 782 (1982) http://supct.law.cornell.edu/supct/cases/topic.htm
[ii] Thompson v. Oklahoma, 487 U.S. 815 (1988) http://supct.law.cornell.edu/supct/cases/topic.htm
[iii] Bernard Schwartz, *A History of the Supreme Curt,* (Cambridge: Oxford University Press 1993), 365